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**UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA**

-806-

IN THE MATTER OF THE EXTRADITION) Case No.: 2:15-mj-00627-NJK
OF FERNANDO GAMBOA HOWARD)
AKA: OSVALDO RICARDO ROMANDIA) **STIPULATION TO CONTINUE
EXTRADITION HEARING (9th Request)**

IT IS HEREBY STIPULATED AND AGREED, by and between Daniel G. Bogden, United States Attorney, and Pamela A. Martin, Assistant United States Attorney, counsel for the United States of America, and Rene L. Valladares, Federal Public Defender, and Brian Pugh, Assistant Federal Public Defender, counsel for Fernando Gamboa Howard, that the Extradition Hearing currently scheduled for Monday, January 9, 2017, at 10:00 a.m., be vacated and continued to a date and time convenient to the Court, but no less than two weeks.

The Stipulation is entered into for the following reasons:

1. Counsel representing the United States of America will be out of the office due to slip and fall accident, breaking both her ankle and leg. She will be out of the office for an uncertain duration to recover from surgery.

2. The Office of Internal Affairs will seek approval to appear for hearing.

3. Defendant is incarcerated and does object to the continuance.

4. Denial of this request for continuance could result in a miscarriage of justice.

5. This is the ninth request for continuance filed herein.

DATED this 4th day of January 2017.

Respectfully submitted,

RENE L. VALLADARES
Federal Public Defender

DANIEL G. BOGDEN
United States Attorney

/s/ Brian Pugh
BRIAN PUGH
Assistant Federal Public Defender

/s/ Pamela A. Martin
PAMELA A. MARTIN
Assistant United States Attorney

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2 **UNITED STATES DISTRICT COURT**
3 **DISTRICT OF NEVADA**

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ORDER

9 **FINDINGS OF FACT**

10 Based on the pending Stipulation of counsel and good cause appearing therefore, the Court
11 finds that:

12 1. Counsel representing the United States of America will be out of the office for uncertain
13 duration of time to recover from surgery.

14 2. The Office of Internal Affairs will move forward in preparation for the hearing.

15 3. Defendant is incarcerated and does object to a continuance.

16 4. Denial of this request for continuance could result in a miscarriage of justice.

17 5. This is the ninth request for continuance filed here in.

18 **CONCLUSIONS OF LAW**

19 The ends of justice served by granting said continuance outweigh the best interest of the
20 public and the defendant in a speedy trial, since the failure to grant said continuance would be likely
21 to result in a miscarriage of justice, would deny the parties herein sufficient time and the opportunity
22 within which to be able to effectively and thoroughly prepare for the hearing, taking into account the
23 exercise of due diligence.

1 IT IS THEREFORE ORDERED that the Extradition Hearing currently scheduled on January
2 9, 2017, at the hour at 10:00 a.m. be vacated and continued to February 13, 2017, at
3 the hour of 10:00 a.m., in Courtroom 3A.

4 DATED this 4th day of January 2017.

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UNITED STATES MAGISTRATE JUDGE
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